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Customer No.: 31561
Application No.: 10/707,084
Docket No.: 10722-US-PA

Response to Claim Rejections under 35 U.S.C. §103

Applicants courteously traverse both the rejections of claims 7-9 under 35 U.S.C. §103(a) as being unpatentable over Yanamoto as applied to claim 1 above, further in view of D' Evelyn '435 and the rejections of claims 11, 14-17, 19 and 21 under 35 U.S.C. §103(a) as being unpatentable over Yanamoto in view of D' Evelyn '435 further in view of D' Evelyn '634 because a prima facie case of obviousness has not been established by the Office Action.

To establish a *prima facie* case of obviousness under 35 U.S.C. 103(a), each of three requirements must be met. First, the reference or references, taken alone or combined, must teach or suggest each and every element in the claims. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skilled in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of the three requirements must "be found in the prior art, and not be based on applicant's disclosure." See M.P.E.P. 2143, 8th ed., February 2003.

Applicants submit that, as disclosed above, *Yanamoto* fails to teach or suggest each and every element of claim 1, from which claims 7-9 depend, for the combination of the secondary references cannot cure the deficiencies of *Yanamoto*.

Customer No.: 31561
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Yanamoto, taken alone or in combination with the secondary references, fails to teach or suggest "a Schottky contact is formed between the high-resistivity GaN-based interlayer and the first electrode when a reversed bias is applied to the GaN-based semiconductor layer through the first electrode and the second electrode".

Accordingly, Applicants' independent claim 1 is patentable over *Yanamoto* in view of the secondary references of record. For at the least the same reasons, its dependent claims 7-9 are also patentable as a matter of law.

Furthermore, the proposed amendment to claim 1 has also been incorporated into independent claim 11 of the present invention. At least for the reasons advanced above, Applicants' claim 11 and claims 14-17, 19, and 21 depending thereupon, are non-obvious over the prior art references, and should be allowable.

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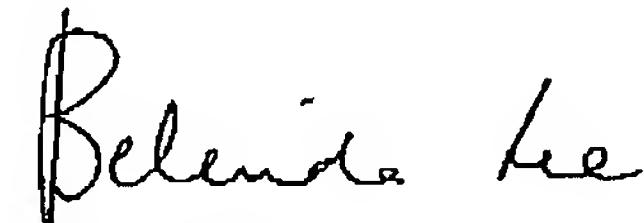
Customer No.: 31561
Application No.: 10/707,084
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CONCLUSION

For at least the foregoing reasons, it is believed that all pending claims 1-5, 7-11, 14-17, 19 and 21 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

Date : Feb. 19, 2008



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